

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ISAIAH HUMPHRIES,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY; JAMES FRANKLIN;
and DAMION BARBER,

Defendants.

No. 4:20-CV-00064

(Judge Brann)

ORDER

AND NOW, this 2nd day of October 2020, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Motions to Dismiss, Docs. 41 and 43 are **GRANTED IN PART AND DENIED IN PART**, as follows:
 - a. **GRANTED** as to Counts: 1, 3, 5, 6, and 9 (as to the University Defendants).
 - b. **DENIED** as to Counts: 2 (subject to the Court's discussion of that claim), 4, 7, 8, 9 (as to Barber), 10, and 11.
2. Plaintiff is granted leave to amend Counts 1, 5, 6, and 9 (as to the University Defendants). Leave to amend is denied as to Count 3, with prejudice.

3. Plaintiff may file an amended complaint by October 16, 2020. If no amended complaint is filed by that date, the action will be summarily dismissed pursuant to Fed. R. Civ. P. 41(b).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge